

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PAUL M. PRUSKY, et al.,	:	CIVIL ACTION
	:	
Plaintiffs	:	
	:	
v.	:	
	:	
ALLSTATE LIFE INSURANCE COMPANY,	:	NO. 09-cv-05156
	:	
Defendant	:	

**ORDER**

AND NOW, this 30<sup>th</sup> day of September, after consideration of the defendant's motion to dismiss the plaintiff's complaint (Doc. 26), the plaintiff's response (Doc. 28), the defendant's reply (Doc. 30), and the plaintiff's surrebuttal (Doc. 31), I HEREBY ORDER that:

1. The defendant's motion to dismiss Count I of the plaintiffs' complaint is DENIED.
2. The defendant's motion to dismiss Count II of the plaintiffs' complaint is GRANTED.
3. The defendant's motion to dismiss Count III of the plaintiffs' complaint is DENIED.
4. The defendant's motion to dismiss Count IV of the plaintiffs' complaint is GRANTED.
5. The defendant's motion to dismiss Count V of the plaintiffs' complaint is DENIED.
6. The defendant's motion to dismiss Count VI of the plaintiffs' complaint is DENIED.

BY THE COURT:

/s/ J. William Ditter, Jr.

J. WILLIAM DITTER, JR., S.J.